

## **REMARKS**

### **Amendments**

#### ***Amendments to the Claims***

In an effort to expedite the prosecution of the present application by reducing the number of issues, Applicant has incorporated the subject matter of claims 1 and 11 into claims 2, 12 and 24, and cancelled claims 1, 11, 19 – 23 and 29 – 30 without prejudice. No new matter has been added as a result of these amendments.

### **Objections**

#### ***Objections to the Specification and Drawings***

The Examiner requested correction of certain typographical errors in the specification. The Examiner also required that Figures 1 and 2 be labeled as prior art. Applicant has amended the specification and drawings accordingly. No new matter has been added. Therefore, Applicant respectfully requests the withdrawal of the objections.

### **Rejections**

#### ***Rejections under 35 U.S.C. § 102(a)***

#### **Claims 1, 2, 6-12, 16-19, 22-25 and 29-30**

Claims 1, 2, 6-12, 16-19, 22-25 and 29-30 stand rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent number 6,122,670 to Bennett et al. Claims 1, 11, 19, 22, 23 and 29-30 have been cancelled. Applicant respectfully disagrees with the rejection because Bennett does not disclose each and every element of the invention as claimed in claims 2, 6-10, 12, 16-19, 24 and 25.

Bennett discloses a system that buffers data being passed through a protocol stack on a networked computer node. Each layer in the protocol stack reads data in the buffers from a lower protocol for incoming messages and reads data in the buffers from a higher protocol for outgoing messages.

The Examiner is apparently equating Applicant's claimed protocol flow objects, circuit flow objects, and circuit elements with Bennett's buffers. However, Applicant's claimed protocol flow objects, circuit flow objects, and circuit elements are three distinct

elements that cannot be properly equated to Bennett's buffers because the single element in the prior art does not perform all the same functions as the claimed elements.

Additionally, the Examiner has relied on the buffering of data flowing up and down the protocol stack in Bennett as teaching Applicant claimed circuit elements that are associated with a transmission direction of data within a communications channel between two computers. However, Bennett's data flow within a protocol stack in a single computer cannot be properly interpreted as teaching or suggesting circuit elements associated with transmission direction of data between two computers.

Applicant also respectfully points out that the specific arrangement of protocol flow objects, circuit flow objects, and circuit elements claimed is not anticipated by Bennett. Bennett contains no disclosure, teaching or even suggestion of Applicant's arrangement of elements in which each circuit flow object for a protocol layer is linked to the circuit element of the representative protocol flow object that matches the transmission direction associated with the circuit flow object.

Furthermore, the Examiner is invoking the principal of inherency in stating that Bennett would sequence flow objects. The Examiner is respectfully reminded that an inherency argument cannot be supported by probabilities or possibilities but requires there be some disclosure in the reference that suggests the missing claim element is necessarily present. Here, Bennett does not disclose Applicant's claimed circuit flow objects that are linked to protocol flow objects and therefore cannot be properly interpreted as inherently teaching the sequencing of such circuit flow objects.

Finally, the Examiner is relying on the general concept of "reassembly" in Bennett as anticipating Applicant's claimed reassembly. Applicant respectfully submits that this reliance is also misplaced. Bennett does not disclose Applicant's claimed circuit flow objects that are linked to protocol flow objects and therefore fails teach or suggest reassembling messages from the circuit flow objects linked to the protocol flow object at the top of the tree structure as claimed.

The Examiner is respectfully reminded that a claim is anticipated only if each and every element as set forth in the claim is found in a single prior art reference. Moreover, the identical invention must be shown in as complete detail as set forth in the claim, including any claimed arrangement. Accordingly, Applicant respectfully submits that the

invention as claimed in claims 2, 6-10, 16-19, 24 and 25 is not anticipated by Bennett under 35 U.S.C. § 102(a) and respectfully requests the withdrawal of the rejection of the claims.

***Rejections under 35 U.S.C. § 103***

**Claims 3-5, 13-15, 21, and 26-28**

Claims 3-5, 13-15, 21, and 26-28 stand rejected under 35 U.S.C. § 103(a) as being obvious over Bennett in view of Stevens (TCP/IP Illustrated, Volume 1; Stevens, W. Richard; Addison Wesley Publishers, 1994; pages 148-151). Applicant has cancelled claim 21. Applicant respectfully disagrees with the rejection because the combination does not teach each and every element of the invention as claimed in claims 3-5, 13-15 and 26-29.

Claims 3-5, 13-15 and 26-29 depend from one of claims 2, 12 or 24. Because Bennett does not teach or suggest each and every limitation in claims 2, 12 and 24, Stevens must disclose the claimed elements that are missing in Bennett to have a proper *prima facie* case of obviousness for claims 3-5, 13-15 and 26-29. However, the disclosure relied on in Stevens is directed toward fragmented data and there is no teaching or suggestion of Applicant's claimed flow objects, circuit elements, arrangements, or functions. Furthermore, Stevens merely discloses the header information that is standard on fragmented IP datagrams. Stevens does not teach or suggest a circuit flow object comprising a vector list as claimed by Applicant in claims 3-5, 13-15 and 26-29.

Therefore, the combination of Bennett and Stevens cannot render obvious Applicant's invention as claimed in claims 3-5, 13-15 and 26-29, and Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

**Claim 20**

Claim 20 stands rejected under 35 U.S.C. § 103(a) as being obvious over Bennett in view of U. S. Patent number 6,119,170 to Schoffelman. Claim 20 has been cancelled and therefore the rejection is moot.

**New Claim**

New claim 31 has been added to further define the elements of the original claims. Applicant respectfully submits claim 31 is allowable for at least the reasons set forth above for claims 2-5, 6-10, 13-19 and 24 -29.

**SUMMARY**

Claims 2-5, 6-10, 12-19, 24 -29 and 31 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-3476.

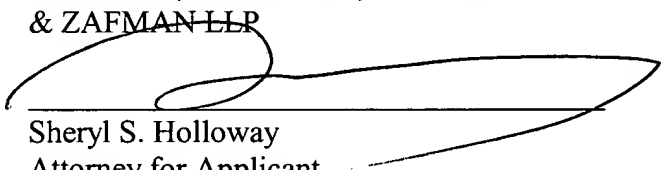
**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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Dated: MAY 10, 2004



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